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09/849,088	05/04/2001	Vikram Rai	2	9412

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HOUSTON, TX 77042

EXAMINER

BEAMER, TEMICA M

ART UNIT	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/849,088  
Filing Date: May 04, 2001  
Appellant(s): RAI, VIKRAM

**MAILED**

**JAN 27 2006**

**Technology Center 2600**

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Mark W. Sincell, Ph.D  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed November 1, 2005 appealing from the Office action mailed September 7, 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,091,947	Sumner	7-2000
6,044,275	Boltz et al.	3-2000
5,467,341	Matsukane et al.	11-1995

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7-9, and 11-14 rejected under 35 U.S.C. 102(e) as being anticipated by Sumner, U.S. Patent No. 6,091,947.

Regarding claim 1, Sumner discloses a method for delivering user information over a communication system, the method comprising the steps of receiving user identified information comprising voice signals over a signaling channel (col. 2, lines 57-63); and transmitting the received information to a destination over an available traffic channel (col. 2, line 66-col. 3, line 2, col. 5, lines 56-59).

Regarding claim 7, Sumner discloses the method of claim 1 where the received information is transmitted over an available traffic channel at a time determined by the communication system when the user has not specified a transmission time (col. 6, lines 21-23).

Regarding claim 8, Sumner discloses the method of claim 1 further comprising the step of postponing the transmission of the received information until at least one traffic channel becomes available (col. 5, lines 1-30, col. 6, lines 21-22).

Regarding claim 9, Sumner discloses a method for transmitting user identified storable information with a communication device over a communication system, the method comprises the steps of inherently formatting identified storable information comprising voice signals in accordance with a protocol being followed by the communication system (col. 2, lines 57-63, col. 3, lines 24-46), and transmitting the user identified storable information comprising voice signals over at least one signaling channel of the communication system (col. 2, line 66-col. 3, line 2, col. 5, lines 56-59).

Regarding claim 11, Sumner discloses the method of claim 9 where the communication device is either a cellular phone, a PDA or a personal computer (col. 2, lines 17-20).

Regarding claim 12, Sumner discloses a method for receiving user identified storable information with a communication device over a communication system, the method comprising the steps of receiving an alert signal over a signaling channel of the communication system (col. 8, lines 57-61), transmitting a response signal over a signaling channel of the communication system (col. 6, lines 24-30), and receiving user

identified storable information comprising voice signals over a traffic channel of the communication system (col.2, lines 57-63).

Regarding claim 13, Sumner discloses the method of claim 12 where the step of transmitting a response signal over a signaling channel comprises formatting the response signal in accordance with a protocol being followed by the communication system (col. 6, lines 21-30).

Regarding claim 14, Sumner discloses the method of claim 9 where the communication device is either a cellular phone a PDA or a personal computer (col. 2, lines 17-20).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 5, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumner in view of Boltz et al (Boltz), U.S. Patent No. 6,044,275.

Regarding claims 2 and 10 Sumner discloses the method of claims 1 and 9 where the step of receiving/formatting user identified storable information further comprises storing the received information/obtaining the user identified storable information with a communication device (col. 4, lines 8-13, col. 5, lines 56-59), transmitting an alert signal over a signaling channel to the destination (col. 8, lines 57-

61) and receiving a response signal over the signaling channel from the destination (col. 6, lines 23-30).

Sumner, however, fails to disclose determining/inserting transmission time and a destination from the received information.

In a similar field of endeavor, Boltz discloses a system and method for time-defined delivery of messages. Boltz further discloses determining/inserting transmission time and a destination for a message (col. 3, lines 24-36, col. 4, lines 44-62).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Sumner with the teachings of Boltz for the purpose allowing a user more control over when to deliver messages throughout a cellular system.

Regarding claim 3, the combination of Sumner and Boltz discloses the method of claim 2 where the step of transmitting an alert signal comprises formatting the alert signal in accordance with a protocol being followed by the communication system and transmitting the alert signal over a signaling communication channel prior to the transmission time where the transmission time is specified by the user or by the system (Boltz, col. 2, lines 35-37, col. 4, lines 30-33).

Regarding claim 5, the combination of Sumner and Boltz discloses the method of claim 2 where the step of transmitting an alert signals further comprises the steps of waiting for a user specified time period for a signal responding to the transmitted alert signal, retransmitting the alert signal a certain number of times specified by the user and transmitting a message to the user over a signaling channel informing the user that the

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information cannot be delivered to its destination when no response signal is received after a certain number of retransmission has occurred (Boltz, col. 2, lines 16-25).

Regarding claim 6, the combination of Sumner and Boltz discloses the method of claim 2 where the step of determining a transmission and a destination address comprises the step of retrieving transmission time data and the destination data from the received information (Boltz, col. 3, lines 25-33).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sumner, Boltz and further in view of Matsukane et al (Matsukane), U.S. Patent No. 5,467,341.

Regarding claim 4, the combination of Sumner and Boltz discloses the method of claim 2 as described above. The combination, however, fails to disclose where the alert signal is transmitted a certain number of times designated by the user.

In a similar field of endeavor, Matsukane discloses an apparatus and method for alerting computer users.

Matsukane further discloses where an alert signal is transmitted a certain number of times designated by a user (abstract, lines 16-20).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify the combination of Sumner and Boltz with the teachings of Matsukane for the purpose of ensuring the message is received.

**(10) Response to Argument**

Appellant primarily argues on pages 6-8 of the appeal brief that Sumner, U.S. Patent No. 6,091,947, taken alone, or combination with Boltz et al (Boltz), U.S. Patent No. 6,044,275 and Matsukane et al (Matsukane), U.S. Patent No. 5,467,341, fails to disclose user-identified storable information. Appellant also states in the appeal brief that the user-identified storable information is information carried by a user signal as information, that once received by the system over a signaling channel, it is to be transmitted by the system over an available traffic channel to its destination at a user specified time.

With the respect to these arguments, the examiner respectfully disagrees. At the outset, it should be pointed out that independent claims 1, 9 and 12 do not require that the information be transmitted at a time specified by a user as argued by the appellant. The language of independent claims 1, 9 and 12 only requires the system to receive user identified storable information comprised of voice signals over a signaling channel and to transmit that information to a destination over a traffic channel.

Sumner, taken alone, discloses a method for conveying voice mail messages to a mobile handset (col. 2, lines 18-21 and col. 2, lines 57-63). The voice mail message discussed in Sumner is the user-identified storable information comprised of voice signals claimed as evidenced by the fact that the caller has inherently identified to the system the user that is to receive the message. This evidence is repeatedly shown when the system delivers the voice mail message (in a store and forward manner) to the desired user (col. 5, lines 5-7, col. 5, lines 56-59 and col. 6, lines 11-15).

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It is only until later, as shown in dependent claims 2-6 and 10, that the received information has to specifically identify by the system and/or a user, the time to transmit the message to the desired recipient. These further steps are disclosed in Boltz and Matsukane as described above in the rejection.

Therefore, based on the "broadness" of user-identified information discussed in independent claims 1, 9 and 12, it is believed that Sumner, taken alone, or in combination with Boltz and Matsukane meets the required claimed limitation.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Temica M. Beamer  
Primary Examiner  
Art Unit 2681

January 23, 2006

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

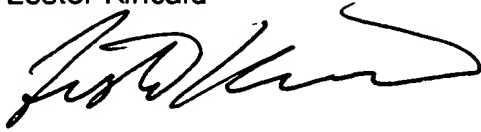
**Conferees:**

  
Joseph Field

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Lester Kincaid

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Temica M. Beamer

A handwritten signature in black ink, appearing to read "Temica M. Beamer". The signature is written in a cursive style, with the first name "Temica" and last name "Beamer" clearly legible, separated by a middle initial "M".

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